

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	Criminal No. _____
)	
vs.)	18 USC § 2251(a)
)	18 USC § 2422(b)
)	18 USC § 2252 (a)(4)(B)
DANIEL SCOTT OGDEN,)	18 USC § 2252(a)(2)
)	18 USC § 2253
Defendant.)	

I N D I C T M E N T

THE GRAND JURY CHARGES:

COUNT 1

Between in or about March, 2005, and in or about August, 2005, the exact dates being unknown to the Grand Jury, in the Western District of Tennessee, the defendant,

-----**DANIEL SCOTT OGDEN**-----

knowingly used, persuaded, induced, enticed, and coerced S.S., a minor female who was under 18 years of age during said period, to engage in sexually explicit conduct, specifically, lascivious exhibition of the genitals and pubic area and masturbation, as defined in Title 18, United States Code, Section 2256, for the purpose of producing visual depictions of such conduct; the defendant then knowing and having reason to know that

said visual depictions would be transported in interstate and foreign commerce; said visual depictions being transported in interstate and foreign commerce; and said visual depictions being then produced by using materials that had been mailed, shipped, and transported in interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a) and Section 2.

COUNT 2

Between on or about March 17, 2005 and on or about September 16, 2005, in the Western District of Tennessee, and elsewhere, the defendant,

-----**DANIEL SCOTT OGDEN**-----

knowingly used, and cause to be used, a facility and means of interstate commerce, that is, a combined computer/telephone system, using interstate "instant messages" and "electronic mail" (e-mail) messages, and long distance telephone conversations, over an interstate telephone system, to knowingly persuade, induce, entice, and coerce, and attempt to persuade, induce, entice, and coerce, S.S., a minor female who was 15 years and 16 years of age during said period, to engage in sexual acts, that is, the lascivious exhibition of her genitalia, masturbation, and sexual intercourse, such sexual conduct then constituting a criminal offense under California Penal Code Section 261.5(d); all in violation of Title 18, United States Code, Section 2422(b).

COUNT 3

Between on or about March 31, 2005 and on or about September 23, 2005, in the Western District of Tennessee, the defendant,

-----**DANIEL SCOTT OGDEN**-----

knowingly possessed an item, that is one (1) external Maxtor hard drive, s/n B6Z812H, 300 gb; which contained over 5,500 visual depictions (computer image and movie files) which included the image and movie files designated: "finger.jpg", "fingeropen.jpg", "fullbody13.jpg", "666.avi", "peekaboo.jpg", "pus.jpg", "766.avi", "cum.avi", "100_1685.jpg", & rub.jpg"; each said visual depiction had been shipped and transported in interstate commerce; each said visual depiction was produced using materials which had been shipped and transported in interstate commerce; the production of each said visual depiction involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, and each said visual depiction is of such conduct; all in violation of Title 18, United States Code, Section 2252(a)(4)(B).

COUNT 4

On or about April 2, 2005, in the Western District of Tennessee, the defendant,

-----**DANIEL SCOTT OGDEN**-----

knowingly received a visual depiction that had been shipped and transported in interstate commerce by means of a computer, that is, a visual depiction (computer image file), designated "rub.jpg", the production of said visual depiction involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, and said visual depiction is of such conduct; all in violation of Title 18, United States Code, Section 2252(a)(2).

COUNT 5

On or about March 31, 2005, in the Western District of Tennessee, the defendant,

-----**DANIEL SCOTT OGDEN**-----

knowingly received a visual depiction that had been shipped and transported in interstate commerce by means of a computer, that is, a visual depiction (computer image file), designated "100_1685.jpg", the production of said visual depiction involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, and said visual depiction is of such conduct; all in violation of Title 18, United States Code, Section 2252(a)(2).

COUNT 6

On or about May 5, 2005, in the Western District of Tennessee, the defendant,

-----**DANIEL SCOTT OGDEN**-----

knowingly received a visual depiction that had been shipped and transported in interstate commerce by means of a computer, that is, a visual depiction (computer movie file), designated "666.avi", the production of said visual depiction involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, and said visual depiction is of such conduct; all in violation of Title 18, United States Code, Section 2252(a)(2).

COUNT 7

On or about May 8, 2005, in the Western District of Tennessee, the defendant,

-----**DANIEL SCOTT OGDEN**-----

knowingly received visual depictions that had been shipped and transported in interstate commerce by means of a computer, that is, visual depictions (computer image files), designated "finger.jpg", "fingeropen.jpg", "fullbody13.jpg", "peekaboo.jpg", & "pus.jpg", the production of each said visual depiction involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, and each said visual depiction is of such conduct; all in violation of Title 18, United States Code, Section 2252(a)(2).

COUNT 8

On or about May 19, 2005, in the Western District of Tennessee, the defendant,

-----**DANIEL SCOTT OGDEN**-----

knowingly received a visual depiction that had been shipped and transported in interstate commerce by means of a computer, that is, a visual depiction (computer movie file), designated "cum.avi", the production of said visual depiction involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, and said visual depiction is of such conduct; all in violation of Title 18, United States Code, Section 2252(a)(2).

COUNT 9

On or about May 23, 2005, in the Western District of Tennessee, the defendant,

-----**DANIEL SCOTT OGDEN**-----

knowingly received a visual depiction that had been shipped and transported in interstate commerce by means of a computer, that is, a visual depiction (computer movie file), designated "766.avi", the production of said visual depiction involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, and said visual depiction is of such conduct; all in violation of Title 18, United States Code, Section 2252(a)(2).

COUNT 10

FORFEITURE ALLEGATIONS

1. The allegations contained in Count 1 through Count 9 of this Indictment are incorporated by reference as if fully set forth herein.

2. Upon conviction for violating Title 18, United States Code, Section 2252, the defendant, **DANIEL SCOTT OGDEN**, shall forfeit to the United States any and all right, title, and interest he has in:

(a) any visual depiction described in Section 2252 of Title 18 United States Code, and any book, magazine, periodical, film, videotape, and other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of the above-said statute;

(b) any property, real or personal, constituting or traceable to gross profits of other proceeds obtained from the above-said offenses; and

(c) any property, real or personal, used or intended to be used to commit or to promote the commission of the above-said offenses, including but not limited to the following:

One (1) Gateway Computer, SN, 2524109; One Maxtor External Hard Drive, SN, B6Z812H, & assorted digital media.

All pursuant to Title 18, United States Code, Section 2253.

ASST 
UNITED STATES ATTORNEY

02-09-2006
DATE

A TRUE BILL

s/Grand Jury Foreperson